

REMARKS

The interview with examiner Robert Santos on 10 July 2007 is acknowledged with appreciation. The examiner's summary of the interview is correct as to what transpired.

Claims 1-22 and 51-107 are pending in the subject application. Claims 23-50 have been previously canceled without prejudice or disclaimer of the subject matter therein. Claims 51-107 are withdrawn from consideration. Claims 1, 9, and 16 are amended herein.

Reconsideration of the rejection of claims 1-22 as being unpatentable under 35 U.S.C. 103(a) over U.S. Pat. App. Pub. No. 2004/0177445 to Osborne et al. ("Osborne") in view of U.S. Pat. No. 7,009,995 to Bohrer et al. ("Bohrer") is requested. It is believed that amended independent claims 1, 9, and 16, and dependent claims 2-8, 10-15, and 17-22, patentably distinguish over Osborne and Bohrer for the reasons given below.

Osborne was filed on December 9, 2003, after the filing date of the subject application, which is September 8, 2003. As a matter of fact, Osborne claims priority to the subject application. (See Osborne's paragraph 1.) Osborne's Figs. 116-137, which correspond to Figs. 1-13, 16-22 and 24-25 of the subject application and which the Examiner relies upon for rejection of claims 1-22, are not prior art to claims 1-22 of the subject application since Osborne was filed after the filing date of the subject application and since Figs. 116-137 were not included in any of the priority applications, other than the subject application to which Osborn claims priority. Thus, Figs. 116-137 were not included in 1) U.S. Patent App. Ser. No. 09/750,741, now U.S. Pat. No. 6,658,680, 2) U.S. Patent App. Ser. No. 09/751,031, now U.S. Pat. No. 6,691,346, 3) U.S. Patent App. Ser. No. 10/648,053, now U.S. Pat. No. 6,880,189, and 4) U.S. Patent App. Ser. No. 09/750,859, now U.S. Pat. No. 6,611,979.

As discussed at the above-noted interview with examiner Santos, Osborne's Figs. 1-115 and the corresponding description do not disclose or suggest the structures claimed in amended independent claims 1, 9, and 16. For example, with respect to claim 1, Osborne's Figs. 1-115 and the corresponding description do not disclose or suggest that "during movement of the intermediate frame between the first and second positions, a distance between the first and second cross members increases to provide clearance for at least one of the intermediate frame and the base frame," or that "the intermediate frame is positionable between the first and second cross members when the

intermediate frame is in the second position.” With respect to claim 9, Osborne’s Figs. 1-115 and the corresponding description do not disclose or suggest that “at least one of the base and intermediate frames defining an interior region in which the other of the at least one of the base and intermediate frames is positioned when the intermediate frame is in the lowered position,” or that “at least one of the base and intermediate frames including transverse step members extending from the interior region and configured to couple the intermediate frame to a weigh frame.” With respect to claim 16, Osborne’s Figs. 1-115 and the corresponding description do not disclose or suggest that “at least one of the base and intermediate frames defining an interior region in which the other of the at least one of the base and intermediate frames is positioned when the intermediate frame is in the lowered position,” or that “the lift mechanism being positioned between the intermediate frame and the base frame when the intermediate frame is in the lowered position.”

As discussed at the interview, Osborne’s Figs. 1-115 do not disclose or suggest the linkage assemblies claimed in claims 1-22, since the office action only relies on Osborne’s Figs. 40-51, 116-123, and 128 and since Osborne’s Figs. 40-51 are directed to a mattress, not the linkage assembly. Bohrer is not proffered for, nor does it overcome the foregoing deficiencies of Osborne. Accordingly, applicants respectfully submit that amended independent claims 1, 9, and 16, and dependent claims 1-8, 16-15, and 17-22, patentably distinguish over Osborne and Bohrer, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested. In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

Applicants believe that no fees are required due to this amendment. It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response, and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-202197.

Respectfully submitted,
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